

OECD convention. I would have preferred a bill that did not contain these unrelated provisions, principally embodied in Section 5.

The House earlier passed S. 2375 with an amendment making significant changes to language addressing the treatment of international organizations providing commercial communications services which had earlier been contained in Section 5 of H.R. 4353 as reported by the House Commerce Committee. These changes reflect an agreement between the House and Senate Commerce Committee leaders. It is my understanding that the House Commerce Committee report accompanying H.R. 4353 addressing Section 5 of that bill is not germane to the interpretation of section 5 in light of the significant changes made therein.

With respect to Section 5 and the other provisions of the bill concerning the international organizations INTELSAT and Inmarsat, the Senate is accepting these provisions because of our understanding that nothing in the bill will change the immunities treatment of INTELSAT and Inmarsat, nor create an inconsistency with U.S. obligations under international agreements (e.g., by requiring action or inaction by the Executive Branch) or interfere with the President's authorities under the constitution to conduct the foreign relations of the United States. To achieve the objectives of Section 5, the President can be expected to use existing and future negotiations aimed at the privatization of the telecommunications services of INTELSAT and Inmarsat.

I have the following specific views with regard to the bill's telecommunications provisions:

The United States remains in a position to meet fully its obligations under the INTELSAT Headquarters Agreement, an international agreement under which the United States has undertaken international legal obligations to INTELSAT. Nothing in the statute changes the immunity standards of that Agreement. Based on my discussions with the administration, I expect that the President will designate the INTELSAT Headquarters Agreement under subsection (d)(2).

The requirement in [section 5(d)(1)] for the President, consistent with requirements in international agreements to which the U.S. is a party, to take all appropriate actions to eliminate or limit substantially any privileges and immunities from suit or legal process accorded to an international organization applies only to suits or legal process in respect of the organizations' commercial activities. Such an interpretation would be consistent with the theory of sovereign immunity to which the United States adheres.

The requirements [in Section 5(d)] for the President, consistent with requirements in international agreements to which the U.S. is a party, expeditiously take all appropriate actions to eliminate or limit substan-

tially privileges and immunities does not compel the President to take any action which the President may find to be contrary to the interests of the United States and does not compel the President to decertify INTELSAT or Inmarsat under the International Organizations Immunities Act I am pleased that subsection 5(d) gives the President broad discretion to determine what measures are "appropriate" to achieve the objectives of section 5.

The bill should not frustrate negotiations by the President to privatize successfully the commercial activities of INTELSAT and Inmarsat in a fashion that eliminates all privileges and immunities for such activities; this being the best means of satisfying the objective of fair and open commercial competition.

I further understand that all efforts of INTELSAT and Inmarsat to restructure into private business organizations constitute core functions of these organizations, not commercial functions, within the meaning of subsection (c)(1) of Section 5.

I understand that Section (5) of S. 2375 is not intended to overturn or disturb any judicial decision interpreting the privileges and immunities of signatories of INTELSAT and Inmarsat, especially Alpha Lyracom (PanAmSat) v. COMSAT, 946 F.2d 168 (2d Cir. 1991).

It is my understanding that subsection (d) of Section (5) is intended to become effective on May 1, 1999 when subsection (c) becomes effective, since the two subsections are intended to operate in concert.

I appreciate the opportunity to clarify the scope and intent of this legislation. At this time, I would like to ask the distinguished Senator from Arizona, the Chairman of the Committee on Commerce, Science and Transportation if he concurs?

Mr. MCCAIN. I thank the Senator from Montana. I do concur with the statements just delivered concerning the interpretation of Section 5 in S. 2375.

Mr. BURNS. I thank my colleague from Arizona.

Mr. DEWINE. Mr. President, I ask that the Senate recede from its amendments numbered 2 through 6. I further ask the Senate concur in the House amendment to the Senate amendment numbered 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVATE RELIEF BILLS

Mr. DEWINE. Mr. President, in behalf of the majority leader, I ask unanimous consent that the Senate proceed to the consideration of the following private relief bills: H.R. 1834 and H.R. 1794, which are at the desk; and, Calendar No. 609, H.R. 378; Calendar No. 610, H.R. 379; Calendar No. 679, H.R. 1949; Calendar No. 611, H.R. 2744.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bills?

There being no objection, the Senate proceeded to consider the bills.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOR THE RELIEF OF MERCEDES DEL CARMEN QUIROZ MARTINEZ CRUZ

The bill (H.R. 1834) was considered, ordered to a third reading, read the third time, and passed.

#### FOR THE RELIEF OF MAI HOA "JASMIN" SALEHI

The bill (H.R. 1794) was considered, ordered to a third reading, read the third time, and passed.

#### FOR THE RELIEF OF HERACLIO TOLLEY

The bill (H.R. 378) was considered, ordered to a third reading, read the third time, and passed.

#### FOR THE RELIEF OF LARRY ERROL PIETERSE

The bill (H.R. 379) was considered, ordered to a third reading, read the third time, and passed.

#### FOR THE RELIEF OF CHONG HO KWAK

The bill (H.R. 2744) was considered, ordered to a third reading, read the third time, and passed.

#### FOR THE RELIEF OF NURATU OLAREWAJU ABEKE KADIRI

The bill (H.R. 1949) was considered, ordered to a third reading, read the third time, and passed.

#### PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

Mr. DEWINE. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2117) to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2117) entitled "An Act to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System,